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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/561,598

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Alexander Biebel

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EXAMINER

PATEL, ASHOK

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PAPER NUMBER

2889

MAIL DATE

DELIVERY MODE

03/31/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/561,598	Applicant(s) BIEBEL ET AL.	
	Examiner Ashok Patel	Art Unit 2889	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-,3-27,29-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

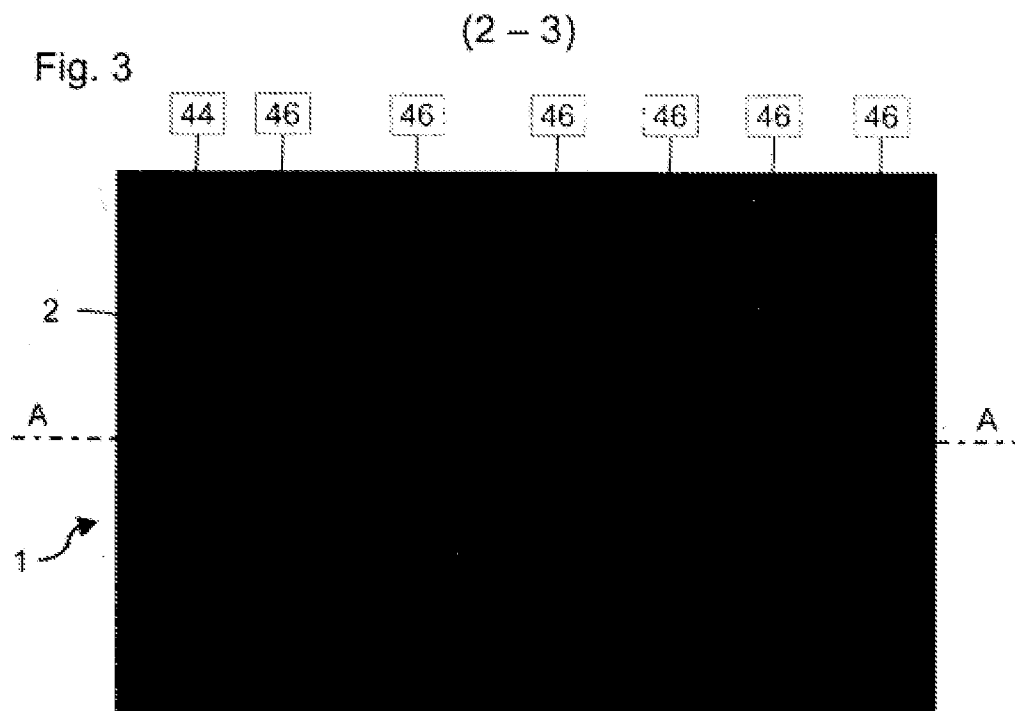
- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a detailed Figure 3 as described in the specification. Figure 3 of record is completely a black rectangle with nothing inside the black rectangle (the Examiner has duplicated Figure 3 at the end of this paragraph). According to the specification, Figure 3 is supposed to show "SCHOTT" in it. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.



2. Claims 4, 11, 14-19, 21-23, 34 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4, line 5 and claim 11, line 3: the term "composite element" lacks antecedent basis. Parent claim recites "a light emitting composite element" and "a composite element".

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Use of the term "and/or" in claims 15-17, 19, 21 renders the claims vague and indefinite since it can not be ascertained as to the claim refers to "A and B" or "A or B".

As to claim 19, it can not be ascertained as to whether the claim refers to "A and B and C" or "A or B or C" or "A and B or C" or "A or B and C" or something else.

Claims 14, 18, 21-23, 34 are necessarily rejected due to their dependencies on claim 4.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-15, 19, 22 and 30-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Eida et al (USPN 5909081, of record).

Eida et al disclose applicant's claimed organic light emitting device (at least Figures 5, 6) including:

a first glass substrate (4);

an organic light emitting layer arrangement (1), wherein the organic light emitting layer arrangement includes a first

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and second electrode (1a, 1c) and an organic electroluminescent layer (1b);

an encapsulation (5) encapsulating the organic light emitting layer arrangement, wherein the first glass substrate (4), the organic light emitting layer arrangement (1) and the encapsulation (5) form a light emitting composite element; and

a functional layer (3 and/or 9) applied on the light emitting composite element, wherein the functional layer is an antishatter protective layer, and wherein at least the first glass substrate (4) and the antishatter protective layer (3 and/or 9) form a composite element.

As to claim 3, Eida et al disclose the encapsulation including a second substrate (2) adhesively bonded on the first glass substrate or the organic light emitting arrangement.

As to claim 4, Eida et al further disclose a third substrate (8) applied on the functional layer so that the functional layer is arranged between the first and third substrates, and wherein the first and third substrates and the antishatter protective layer form the composite element.

As to claim 5, Eida et al disclose the functional layer including first and second sections (9a, 9b), wherein the first section is essentially light-transmissive and the second section is essentially light-opaque.

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As to claims 6-8, Eida et al disclose the functional layer being a multicolor patterned mask or a plastic layer or plastic film.

As to claim 9-10, Eida et al disclose the functional layer adhesively bonded on the light emitting composite element. Eida et al further disclose the functional layer including a self-adhesive film.

As to claim 11, Eida et al disclose the first and third substrates (4 and 8) and the antishatter protective layer adhesively bonded in areal fashion to form the composite element.

As to claim 12, Eida et al disclose the functional layer adhesively bonded on the light emitting composite element by a crosslinking adhesive.

As to claim 13, Eida et al disclose the functional layer including a printed-on layer.

As to claim 14, Eida et al disclose the second substrate (2) and third substrate (8) including glass.

As to claim 15, although Eida et al do not explicitly disclose the first, second and/or third substrates (4, 2 and 8) including hardened glass, the first, second and/or third substrates glasses are *relatively* hardened to some degrees.

As to claim 22, Eida et al disclose the first, second and third substrates and the functional layer are adhesively bonded.

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The first and second substrates are adhesively bonded to one another by means of adhesive layer, the first substrate and the functional layer are adhesively bonded to one another by second adhesive layer, and the functional layer and the third substrate are adhesively bonded to one another by a third adhesive layer.

As to claim 30, the organic light emitting device can be used as a self-luminous information sign or a self-luminous information area.

Further, as to claim 30, an intended use of the device is not given patentable weight. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed limitations. *Ex parte Masham*, 2 USPQ 1647 (1987).

As to claims 19 and 34, Eida et al disclose the end sides of the first, second and third substrates postprocessed after adhesively bonding.

As to Claim 31, Eida et al disclose the light-emitting device made by:

providing the organic light emitting composite element, wherein the organic light emitting composite element includes the first glass substrate, the encapsulation and the organic light emitting layer arrangement;

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encapsulating the organic light emitting layer arrangement by the first glass substrate and the encapsulation, wherein the organic light emitting layer arrangement includes the first and second electrodes and the organic electroluminescent layer;

applying the functional layer to the organic light emitting device, wherein the functional layer is antishatter protective layer; and

producing the composite element including the first glass substrate and the antishatter protective layer.

As to claims 32 and 33, Eida et al disclose further applying the functional layer to a front side of the organic light emitting device, and further applying the third substrate to the functional layer.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claim 15 is alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Eida et al, as applied to claim 1 in view of Tahon et al (USPN 6309901, of record).

As to claim 15, Eida do not explicitly disclose the first, second and/or third glass being toughened glass, as claimed by applicant.

Tahon et al however is cited for showing that the display device substrate is a hardened glass for increased strengthening properties for the base of the device.

Therefore, it would have been obvious to one of ordinary skill in the art to provide Eida et al's light-emitting device including the first, second and/or third substrate made of hardened glass for strengthening the base of the device.

7. Claims 16-18, 20, 21, 23-27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eida et al, as applied to claim 1.

As to claims 16 and 17, although Eida et al do not disclose the first, second and/or third substrates including glass-plastic composite or plastic coated glass of laminated glass-plastic composite, as claimed by applicant, providing a mix or laminate of plastic and/or glass substrates or plastic coated glass for the substrates would have been a matter of obvious

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alternative design choice to one of ordinary skill in the art for providing optimum strength for the base of the device.

As to claim 18, Eida et al do not disclose the third substrate including anti-reflection coating, as claimed by applicant. However, since providing the anti-reflection coating is known in the art for transmitting the light in a desired direction and also for reducing reflection of incident light on the substrate, applicant's claimed anti-reflection would have been obvious to one of ordinary skill in the art.

As to claim 20, Eida et al do not disclose the organic light emitting device including at least one end side that is beveled, as claimed by applicant. However, providing such shapes would have been obvious to one of ordinary skill in the art for directing the emitted light in a focused manner and not spread in undesired direction. In light of this, applicant's claimed beveled ends would have been obvious to one of ordinary skill in the art.

As to claim 21, Eida et al do not disclose the organic light emitting device including the first, second and/or third substrates having thickness as claimed by applicant. However, applicant's such claimed thicknesses of the substrates would have been obvious to one of ordinary skill in the art since it has been held that where general conditions of the claim are

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discovered in the prior art, discovering the optimum or workable thickness involves only routine skill in the art. In re Aller, 105 USPQ 233.

As to claim 23, applicant's claimed thicknesses of first, second and third adhesives in a particular thickness range would have been obvious to one of ordinary skill in the art since it has been held that where general conditions of the claim are discovered in the prior art, discovering the optimum or workable thickness involves only routine skill in the art. In re Aller, 105 USPQ 233.

As to claim 24, applicant's claimed thicknesses of the device in a particular thickness range would have been obvious to one of ordinary skill in the art since it has been held that where general conditions of the claim are discovered in the prior art, discovering the optimum or workable thickness involves only routine skill in the art. In re Aller, 105 USPQ 233.

As to claims 25-27 and 29, although Eida et al do not disclose the device including energy source, switch, holding clip, dielectric housing etc., as claimed by applicant, providing such optional accessories would have been obvious to one of ordinary skill in the art for further facilitation of the device.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minh-Toan Ton can be reached on 571-272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ashok Patel/
Ashok Patel
Primary Examiner
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